

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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VICTOR P. MONTOYA,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

Case No. 2:16-cv-00454-RFB-NJK

ORDER

Before the Court is a Report and Recommendation issued by the Honorable Nancy J. Koppe, United States Magistrate Judge, regarding Plaintiff's Motion to Remand to the Social Security Administration (ECF No. 16) and Defendant's Cross Motion to Affirm (ECF No. 17).

On August 29, 2016, Judge Koppe issued a Report and Recommendation, recommending that Plaintiff's Motion (ECF No. 16) be GRANTED in part and that Defendant's Cross Motion (ECF NO. 17) should be DENIED. Judge Koppe further recommended the Administrative Law Judge's decision be VACATED and the case REMANDED to the Agency for further proceedings regarding the ALJ's analysis under 20 C.F.R., Part 404, Subpart P, Appendix 1, Listing § 12.05C ("§ 12.05C").

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is

1 required to “make a de novo determination of those portions of the report or specified proposed
2 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local
3 Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct
4 “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge.
5 Thomas v. Arn, 474 U.S. 140, 149 (1985).

6 Under Local Rule IB 3-2(a), objections to the Report and Recommendation were due by
7 September 15, 2016. No objections have been filed. The Court has reviewed the record in this case
8 and agrees with Judge Koppe’s recommendation.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the report and recommendation of Magistrate Judge
11 Koppe (ECF No. 19) are ADOPTED in their entirety, and that Plaintiff’s Motion to Remand (ECF
12 No. 16) is GRANTED in Part. Defendant’s Cross Motion to Affirm is DENIED.

13 **IT IS FURTHER ORDERED** that the decision of the ALJ Is VACATED and the case is
14 REMANDED to the Agency for further proceedings regarding the ALJ’s § 12.05C analysis.

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16 DATED: November 3, 2016.

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19 **RICHARD F. BOULWARE, II**
20 **United States District Judge**
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